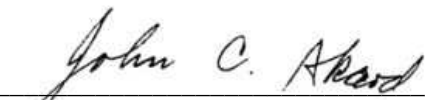




SIGNED this 20th day of February, 2013.



JOHN C. AKARD
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE: § CASE NO. 11-30977-hcm
§
DHC REALTY, INC. §
§ CHAPTER 11
Debtor. §

DHC REALTY, LLC; CHOWAIKI §
HOLDINGS, LLC, EL PASO DHC § ADV. NO. 12-3012-hcm
ENTERPRISES, LLC, EL PASO DHC §
ENTERPRISES FAR EAST, LLC, §
EL PASO DHC ENTERPRISES §
WEST, LLC, AND DAVID CHOWAIKI, §
§
Plaintiffs and Counter-Defendants §
v. §
§
ARMANDO ARMENDARIZ §
YVETTE ARMENDARIZ, AND §
HECTOR ARMENDARIZ, §
Defendants and Counter-Plaintiffs. §

**ORDER GRANTING PLAINTIFF/COUNTER-DEFENDANTS' PARTIAL MOTION TO
DISMISS COUNTERCLAIM FOR FAILURE TO STATE A CLAIM (DOCKET NO. 31)**

On February 13, 2012, the Court conducted a hearing on the Partial Motion to Dismiss Counterclaim For Failure to State a Claim ("Motion")(docket no. 31) filed by DHC Realty, LLC,

Chowaiki Holdings, LLC, El Paso DHC Enterprises, LLC, El Paso DHC Enterprises Far East, LLC, El Paso DHC Enterprises West, LLC, and David Chowaiki, as Plaintiffs and Counter-Defendants herein (collectively “Plaintiffs/Counter-Defendants”). After considering the Motion, the Response thereto filed by Armando Armendariz, Yvette Armendariz, and Hector Armendariz, as Defendants and Counter-Plaintiffs herein (collectively “Defendants/Counter-Plaintiffs”), the Reply filed by Plaintiffs/Counter-Defendants, the pleadings, the record, and the arguments and statements of counsel, finds that the Motion should be granted and that the following Order should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The Motion is GRANTED; and

2. All of the claims asserted by Armando Armendariz, Yvette Armendariz, and Hector Armendariz (herein “Defendants/Counter-Plaintiffs”) in their Counterclaim (docket no. 29) against DHC Realty, LLC, Chowaiki Holdings, LLC, El Paso DHC Enterprises, LLC, El Paso DHC Enterprises Far East, LLC, El Paso DHC Enterprises West, LLC, and David Chowaiki (herein “Plaintiffs/Counter-Defendants”) are hereby DISMISSED, except for Yvette Armendariz’s cause of action for breach of contract against David Chowaiki.

#

United States Bankruptcy Court
Western District of TexasDHC Realty, LLC,
Plaintiff

Armendariz,
Defendant

Adv. Proc. No. 12-03012-hcm

CERTIFICATE OF NOTICE

District/off: 0542-3

User: hilliardj
Form ID: pdfintpPage 1 of 2
Total Noticed: 11

Date Rcvd: Feb 20, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 22, 2013.

dft +Armando Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414
 pla +Chowaiki Holdings, LLC, 301 Williams, El Paso, TX 79901-1813
 pla +DHC Realty, LLC, 301 Williams, El Paso, TX 79901-1813
 pla +David Chowaiki, 301 Williams, El Paso, TX 79901-1813
 pla +El Paso DHC Enterprises Far East, LLC, 301 Williams, El Paso, TX 79901-1813
 pla +El Paso DHC Enterprises West, LLC, 301 Williams, El Paso, TX 79901-1813
 pla +El Paso DHC Enterprises, LLC, 301 Williams, El Paso, TX 79901-1813
 dft +Hector Armendariz, 14201 Desert Sage, Horizon City, TX 79928-6446
 dft +Yvette Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

ust E-mail/Text: USTPRegion07.sn.bnc@usdoj.gov Feb 21 2013 02:04:59 United States Trustee - EP12,
 U.S. Trustee's Office, 615 E. Houston, Suite 533, P.O. Box 1539,
 San Antonio, TX 78295-1539
 intp +E-mail/Text: ustpreion07.au.ecf@usdoj.gov Feb 21 2013 02:09:03 Valerie Wenger,
 Office of the U.S. Trustee, 903 San Jacinto Blvd., Suite 230, Austin, TX 78701-2450
 TOTAL: 2

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cc* +Armando Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414
 cd* +Chowaiki Holdings, LLC, 301 Williams, El Paso, TX 79901-1813
 cd* +DHC Realty, LLC, 301 Williams, El Paso, TX 79901-1813
 cd* +David Chowaiki, 301 Williams, El Paso, TX 79901-1813
 cd* +El Paso DHC Enterprises Far East, LLC, 301 Williams, El Paso, TX 79901-1813
 cd* +El Paso DHC Enterprises West, LLC, 301 Williams, El Paso, TX 79901-1813
 cd* +El Paso DHC Enterprises, LLC, 301 Williams, El Paso, TX 79901-1813
 cc* +Hector Armendariz, 14201 Desert Sage, Horizon City, TX 79928-6446
 cc* +Yvette Armendariz, 11316 Lindenwood Avenue, El Paso, TX 79936-2414

TOTALS: 0, * 9, ## 0

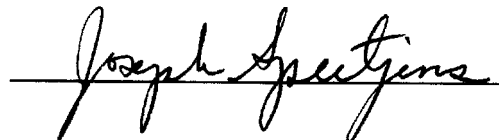
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 22, 2013

Signature:



12-03012-hcm Doc#71 Filed 02/22/13 Entered 02/23/13 00:43:27 Imaged Certificate of
Notice Pg 4 of 4

District/off: 0542-3

User: hilliardj
Form ID: pdfintp

Page 2 of 2
Total Noticed: 11

Date Rcvd: Feb 20, 2013

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on February 20, 2013 at the address(es) listed below:

Christopher Robert Johnston on behalf of Defendant Armando Armendariz cjohnston@f-jlaw.com,
mwoods@f-jlaw.com
Corey W. Haugland on behalf of Counter Defendant Chowaiki Holdings, LLC chaugland@jghpc.com
Sidney J. Diamond on behalf of Counter Claimant Armando Armendariz usbc@sidneydiamond.com
TOTAL: 3